



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examining Operations

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6/21/03

Applicant(s): Zoe Weaver
Serial No: 09/954,531 Art Unit: 1631
Filed: 18 September 2001 Examiner: C. L. Smith
Title: PROCESS FOR IDENTIFYING ANTI-CANCER THERAPEUTIC
AGENTS USING CANCER GENE SETS
Docket No: 689290-77

22 May 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Prior to examination on the merits, Applicants request that the application be amended as follows:

In the Specification:

Please amend the specification to insert the Sequence Listing contained herewith on CD-ROM (2 copies for Paper Sequence Listing and 1 copy for CRF).



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ELECTION OF INVENTION

Sir:

In response to the Office Action, dated 27 January 2003, Applicants respond by electing the claims of Group I (claims 1-17) drawn to a process for screening for agents having cancer-gene related modulating activity with traverse.

Applicants believe that the claims of Group VI (claims 31-35 and 37-42), drawn to a method of treating cancer or protecting from cancer, should be combined with Group I for examination with the claims limited to use of compounds having activity in the screening claims.

The Office Action notes that each group also requires election of a particular sequence for examination. Applicant notes that, in speaking with the Examiner, it was agreed that in this line of cases (beginning with Application Serial No. 09/873,367)

Applicant would elect 10 gene sequences and amend claim 1 to require a determination of modulation of more than one gene. This is accomplished in the accompanying Preliminary Amendment.

Applicant has therefore selected 10 sequences denoted in the application as SEQ ID NO: 110, 653, 683, 767, 804, 820, 910, 1019, 1040 and 1247. The selection of these sequences is made clearer by reference to the accompanying Preliminary Amendment.

The GenBank accession numbers for these sequences are: 110 (AA485973), 653 (AA478962), 683 (N64489), 767 (AA227221), 804 (D80055), 820 (N45300), 910 (D60118), 1019 (H02533), 1040 (AA010665) and 1247 (N69022). These Accession Numbers were reported in the Figures accompanying the priority provisional applications on which the present case is based, the disclosures of which were incorporated by reference in their entirety, and are presented here only to facilitate the Examiner's search.

Applicants have also amended some claims in accordance with previous discussions with the Examiner as well as to remove certain improper multiple claim dependencies. In addition, Applicants have amended claim 1 and others to better reflect the nature of the invention. Such amendments are contained in the accompanying Preliminary Amendment.

Applicant includes herewith a request for a 3 month extension of time to respond plus a check to cover the fee. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No.: 09/954,531
Filed: 18 September 2001

FIRST CLASS CERTIFICATE

I hereby certify that this
correspondence is being deposited
today with the U.S. Postal Service as
First Class Mail in an envelope
addressed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Alan J. Grant 5/22/03
Alan J. Grant, Esq. Date

Respectfully submitted,

Alan J. Grant

Alan J. Grant, Esq.
Reg. No. 33,389

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